

KIRKLAND & ELLIS LLP

AND AFFILIATED PARTNERSHIPS

655 Fifteenth Street, N.W.
Washington, D.C. 20005

Eugene F. Assaf, P.C.
To Call Writer Directly:
(202) 879-5196
eugene.assaf@kirkland.com

(202) 879-5000

www.kirkland.com

Facsimile:
(202) 879-5200

November 8, 2017

VIA E-MAIL

Brendan E. Little
Levy Konigsberg LLP
800 Third Avenue, 11th Fl.
New York, NY 10022

Re: *Kimberlee Williams, et al. v. BASF Catalysts LLC, et al.*

Dear Mr. Little:

We have received additional correspondence today from Mr. Placitella, on which you were copied, regarding the Bevan Law Firm's client files. Mr. Placitella's letter raises many questions, which we will direct to both him and you in a separate letter. In the meantime, Mr. Placitella's letter specifically copied you and "ask[ed] that [you] verify, correct, or clarify any of the information provided" in his letter.

Mr. Placitella also now emphasizes that he does not "speak directly for the Bevan Firm." We had quite a different understanding over the past year. Indeed, we had understood that there was a relationship between the Bevan Firm and the Cohen Placitella Firm. In this regard, we also ask that any fee-sharing agreement be produced.

In any event, as directed by Mr. Placitella, we ask that you immediately verify, correct, and augment, as necessary, the information he provided about Bevan's files in his letter of today. In addition, despite our many requests, you have to date provided no substantive responses to our questions regarding the status of your client's files and the basis for your representations to the Court regarding those files, both in your briefing and at the October 26, 2017 hearing. We have also asked you to agree, without the need for a subpoena, to make available for deposition Bevan's document custodian.

We ask that you respond to our inquiries, which are attached again here, no later than November 9, 2017. We look forward to your prompt response on these important issues.

KIRKLAND & ELLIS LLP

Brendan E. Little
November 8, 2017
Page 2

Sincerely,

/s/ Eugene F. Assaf, P.C.

Eugene F. Assaf, P.C.

cc: Counsel for all parties

KIRKLAND & ELLIS LLP

AND AFFILIATED PARTNERSHIPS

Eugene F. Assaf, P.C.
To Call Writer Directly:
(202) 879-5196
eugene.assaf@kirkland.com

655 Fifteenth Street, N.W.
Washington, D.C. 20005

(202) 879-5000

www.kirkland.com

Facsimile:
(202) 879-5200

November 7, 2017

VIA E-MAIL

Christopher M. Placitella
Cohen, Placitella & Roth, P.C.
127 Maple Avenue
Red Bank, NJ 07701

Brendan E. Little
Levy Konigsberg LLP
800 Third Avenue, 11th Fl.
New York, NY 10022

Re: *Kimberlee Williams, et al. v. BASF Catalysts LLC, et al.*

Dear Messrs. Placitella and Little:

We write to follow up on the outstanding questions regarding the Bevan Law Firm's client files that were set forth in our letter of November 6, 2017:

1. What percentage of the Bevan firm's asbestos-injury client files exist in electronic format?
2. Are the files for all five named plaintiffs represented by Bevan available in electronic format?
3. Are any or all of the electronic files word searchable?
4. Are files maintained by individual plaintiff or by case (*i.e.*, are co-plaintiffs filed together)?
5. If maintained individually, what steps did you take to determine whether information related to the five named plaintiffs is in the files of other plaintiffs (*e.g.*, co-plaintiffs)?
6. Which law firms provided files to the Bevan firm?
7. What percentage of the files from other law firms are stored electronically?

KIRKLAND & ELLIS LLP

Christopher M. Placitella
Brendan E. Little
November 7, 2017
Page 2

8. Does the Bevan firm have an index or database for its files, including the files it received from other firms?
9. If the Bevan firm contends that the database or spreadsheet is privileged, what is the basis for that assertion?
10. Given the Court's holding that plaintiffs waived their privilege at least in part, will the Bevan firm produce the database or spreadsheet?
11. Which cases are included in the database or spreadsheet?
12. Which plaintiffs are included in the database or spreadsheet?
13. What categories of information are included in the database or spreadsheet? For instance, does it include the plaintiff's name, the plaintiff's alleged injury, settlement information, the basis for resolution of the plaintiff's Emtal claim, and/or the plaintiff's current contact information?

Given that we believe the Court had a serious misunderstanding of the facts surrounding the location and status of Bevan's client files, we ask that you provide a written response to the questions above no later than November 8, 2017. Moreover, in light of Mr. Little's various offers to provide additional factual information to the Court under oath, we ask that a representative from the Bevan firm be made available for a deposition during the week of November 13, 2017. We anticipate one hour of questioning on records issues.

We look forward to your response.

Sincerely,

/s/ Eugene F. Assaf, P.C.

Eugene F. Assaf, P.C.